

REMARKS

In the present Amendment, claims 1 and 5 have been amended to incorporate therein the subject matter of claims 2 and 7, respectively. Claims 2 and 7 have been canceled. Claim 3 has been amended to depend from claim 1. No new matter has been added, and entry of the Amendment is respectfully requested.

Upon entry of the Amendment, claims 1, 3-6 and 8-11 will be pending, of which claims 8-11 are withdrawn from consideration as being directed to a non-elected invention.

Independent claims 8 and 10 have been amended to include all of the limitations of amended device claims 1 and 5, respectively. If claims 1 and 5 are found to be allowable, Applicant respectfully requests rejoinder of withdrawn method claims 8-11 pursuant to MPEP §821.04(b).¹

Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by Koichi et al (EP 1 249 873).

In response, claim 1 has been amended to incorporate therein the subject matter of claim 2, to thereby obviate the foregoing rejection. Accordingly, withdrawal of the §102(e) rejection of claim 1 based on Koichi et al is respectfully requested.

Claims 2-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Koichi et al in view of Kita et al (US 5,907,470).

¹ As provided by MPEP §821.04(b), where restriction was required between a product and a process of making and/or using the product, if Applicant elects a claim(s) directed to a product which is subsequently found allowable, withdrawn process claims which depend from or otherwise requires all the limitations of an allowable product claim should be considered for rejoinder.

This rejection should be withdrawn because Koichi et al and Kita et al do not disclose or render obvious the present invention, either alone or in combination.

The Examiner acknowledged that Koichi et al does not disclose a lanthanum content in the n-type ohmic electrode layer of 10 mass% or more on the surface contacting with the n-type Group III nitride semiconductor layer.

Kita et al is relied upon to make up for the deficiencies of Koichi et al.

Applicant respectfully traverses.

Kita et al relates to a capacitor element of dielectric thin film capacitor (col. 2, lines 43 to 50). In Fig. 1 of Kita et al, "5" denotes a dielectric material, "4" and "6" denote electrodes, and "7" denotes a power source connected to electrodes (4, 6).

Kita et al at col. 2, lines 25-30 cites two references which disclose doping 0.3 mol% of La to a SrTiO_3 bulk ceramic sintered body to suppress the increase of leakage current, and doping 0.25 mol% or more of La, Er and the like to $(\text{Ba}, \text{Sr})\text{TiO}_3$ for use as a high dielectric material, respectively.

It is apparent that Kita et al discloses that La and the like can be added to ceramic dielectric materials such as SrTiO_3 and $(\text{Ba}, \text{Sr})\text{TiO}_3$ as a high dielectric material, which enables a large electric resistivity and thereby a small capacitor leakage current.

However, Kita et al does not disclose an La/Al alloy or an La/Al electrode, and does not fairly disclose that "the lanthanum content in the n-type ohmic electrode layer is 10 mass% or more on the surface contacting with the n-type Group III nitride semiconductor layer" as required in present claims. Accordingly, Kita et al does not make up for the deficiencies of Koichi et al, and the present claims are therefore patentable over Koichi et al in view of Kita et al.

Further, since the present invention relates to “electrode,” rather than “dielectric material”, one of ordinary skill would not contemplate combining Kita et al and Koichi et al in the first instance.

In view of the above, reconsideration and withdrawal of the §103(a) rejection based on Koichi et al and Kita et al are respectfully requested.

Allowance of claims 1, 3-6 and 8-11 is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: February 4, 2009

Hui Chen Wauters
Hui C. Wauters
Registration No. 57,426